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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

\* \* \*

**FRANCISCO VALDEZ, et al.**  
Plaintiffs,  
VS.  
**CITY OF SAN JOSE, et al.,**  
Defendants.

Case No.: C09-00176 RMW

**AMENDED STIPULATION AND  
~~PROPOSED~~ ORDER GRANTING  
BRIEFING SCHEDULE FO PLAINTIFFS'  
MOTION FOR CLASS CERTIFICATION.  
[N.D. Civil Local Rule 6-1].**

Date: August 26, 2011  
Time: 9:00 a.m.  
Ctrm: 3, 5<sup>th</sup> Floor  
Judge: Hon. Jeremy Fogel

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1 IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES AND THEIR COUNSEL OF  
2 RECORD:

3 WHEREAS, by Order dated May 11, 2011 the Court granted the parties' Stipulation and  
4 Proposed Order Granting Briefing Schedule for Plaintiffs' Motion for Class Certification. [ECF  
5 Docket No. 71].

6 WHEREAS, the Parties have been diligent in coordinating all matters necessary for the  
7 Motion for Class Certification, responsive pleadings and relevant documentation.

8 WHEREAS, Plaintiffs intend to file and serve the Motion for Class Certification by June  
9 24, 2011 in conformance with the Court's Order. [ECF Docket No. 71].

10 WHEREAS, the Parties agree that after substantive review and cataloging of police  
11 reports disclosed pursuant to discovery, numerous reports must be replaced in order to  
12 effectively provide statistical evidence to the Court.

13 WHEREAS, both Counsels have conflicts that make filing by June 24, 2011, and  
14 opposing by July 22, 2011 punitive and difficult.

15 WHEREAS, defendants are currently in settlement discussions for the consolidated  
16 cases of *Cicala* and *Heiman* which the parties believe requires clarification from the Court  
17 prior to proceeding with the Motion for Class Certification.

18 WHEREAS, the parties agree that allowing further time for filing and responding to  
19 Plaintiffs' Motion for Class Certification will preserve the parties' and Court's resources and  
20 further benefit the issues subject of the Motion for Class Certification.

21 WHEREAS, the parties agree to extend Plaintiffs' time to file the Motion for Class  
22 Certification by forty-two (42) days from June 24, 2011 to August 5, 2011.

23 WHEREAS, the parties agree to extend Defendants' Opposition to the Motion for Class  
24 Certification by forty-two (42) days from July 22, 2011 to September 2, 2011.

25 WHEREAS, the parties agree to extend Plaintiffs' time to file Reply, if any, to plaintiffs'  
26 Motion by forty-two (42) days from August 12, 2011 to September 23, 2011.

1 WHEREAS, the parties agree to the hearing date for Plaintiffs' Motion for Class  
2 Certification by forty-two (42) days from August 26, 2011 to October 7, 2011.

3 NOW THEREFORE, the parties hereby agree and stipulate that this matter and all filing  
4 deadlines associated with it, as ordered through prior Stipulations, are hereby extended by  
5 forty-two (42) days to resolve all procedural and substantive matters necessary to proceed  
6 with the Motion for Class Certification as more fully described herein.

7  
8  
9 KALLIS & ASSOCIATES, P.C.

10  
11 Dated: June 13, 2011

\_\_\_\_\_/S/\_\_\_\_\_  
12 M. JEFFERY KALLIS, current co-  
13 counsel for plaintiffs

14 BUSTAMANTE O'HARA &  
15 GAGLIASSO, P.C.

16 Dated: June 13, 20101

\_\_\_\_\_/S/\_\_\_\_\_  
17 ANDREW V. STEARNS  
18 STEVEN M. BERKI, current co-counsel  
19 for plaintiffs

20 OFFICE OF THE CITY ATTORNEY OF  
21 SAN JOSE

22 Dated: June 13, 20101

\_\_\_\_\_/S/\_\_\_\_\_  
23 CLIFF GREENBERG, counsel for  
24 defendants

**GENERAL ORDER 45(X)(B) STATEMENT**

Pursuant to General Order No. 45(X)(b), I hereby attest that concurrence in the filing of this document has been obtained from counsel for Defendant CITY OF SAN JOSE and individual defendants, and that I have retained in my possession all signatures of counsel subject to this stipulation.

By \_\_\_\_\_/S/\_\_\_\_\_  
Andrew V. Stearns

~~[PROPOSED]~~ ORDER

The Court, having considered the parties' Stipulation, the documents and records on file with the court, and finding good cause therefore, hereby orders:

Plaintiffs' Motion for Class Certification is to be filed by no later than Friday, August 5, 2011.

Defendants' Opposition to Plaintiffs' Motion for Class Certification is to be filed by no later than Friday, September 2, 2011.


Plaintiffs' Reply in Support of Motion for Class Certification is to be filed by no later than Friday, September 23, 2011.

The hearing on Plaintiffs' Motion for Class Certification is set for Friday, October 7, 2011.

IT IS SO ORDERED.

Dated: 6/30/11

By:



Hon. Jeremy Fogel  
United States District Court Judge